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DIVISION OF ENVIRONMENTAL HEALTH

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DIVISION OF
OIL, GAS & MINING

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August 8, 1990

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AUG 10 1990

DIVISION OF
OIL, GAS & MINING

Mr. Michael H. Gibson
Director Environmental Affairs
Kennecott Utah Copper
P.O. Box 525
Bingham Canyon, Utah 84006-0525

Re: Public Comment Period for Draft
Ground Water Quality Discharge
Permit: Small Bingham Reservoir

Dear Mr. Gibson:

Attached is a copy of the final draft permit and Statement of Basis for the permit referenced above.

The public comment period is scheduled to begin on, or before August 14, and conclude on September 12, 1990.

Should you have any questions or comments please call John Whitehead at 538-6146. Written comments can be directed to the Executive Secretary before September 12, 1990.

Sincerely,

Don A. Ostler, Director
Bureau of Water Pollution Control

Enclosures

cc w/encl:

Mr. Lowell Braxton; Div. Oil, Gas
and Mining

Mr. Harry L. Gibbons, Director;
Salt Lake City/County Health Dept.

0014

STATEMENT OF BASIS

for the Small Bingham Reservoir

**Kennecott Utah Copper
8362 West 10200 South
Bingham Canyon, Utah 84006**

I. Description of Facility

Kennecott Utah Copper (KUC) operates the Small Bingham Reservoir primarily for collection and holding of leachate from the mine dumps associated with operation of KUC's Bingham pit located some 20 miles southwest of Salt Lake City. An existing reservoir has been in operation at this location since approximately 1962. As a result of concerns over groundwater contamination, a five year study was initiated in 1983 to assess the hydrogeology of the area from the Bingham Pit eastward and identify the extent and source of any ground water contamination. Conclusions from this study indicate that ground water contamination was occurring from the operation of the reservoir among other sources. KUC has undertaken plans to address contamination concerns. A portion of these plans include the re-construction of the Small Bingham Reservoir with a multiple liner and a leak detection system. KUC by virtue of undertaking the reconstruction of the Small Bingham Reservoir is addressing one of the sources of past ground water contamination.

II. Operation of Facility

The Small Bingham Reservoir will be operated as a no discharge impoundment for leachate from the active leach mine dumps associated with the operation of the Bingham Pit. Storm water and snow melt will also be contained in this reservoir.

III. Site Hydrogeology

The reservoir site is located in the Bingham Canyon drainage area and as such the ground water in the area is influenced strongly by the alluvial system associated with the Bingham Canyon drainage. The regional hydrogeology consists of primarily a two aquifer system comprised of a shallow unconfined and a deep confined aquifer. The upper unconfined and lower confined systems are typically separated by discontinuous zones comprised of low permeable silt and clay, with some thin gravel lenses. The extent of the confining layer between the upper unconfined and lower confined layer is not well defined in the location of the reservoir. However, based on site specific data from the Kennecott five year study, the area of the reservoir may be underlain by confining type layers.

Water level data from two shallow monitoring wells located just east of the reservoir site show water elevations of around 5,211 feet (land surface elevation is approx. 5295 feet). This data also indicates the ground water gradient in the upper aquifer system is approximately .005 foot/foot in an easterly direction.

IV. Background Ground Water Quality

Prior contamination of ground water in the area of the reservoir has occurred. At least a portion of this is attributable to Kennecott's past practices. Representative background water quality is difficult if not impossible to obtain. In light of this, no determination of background water quality for the ground water in the vicinity of the reservoir will be made at this time.

Accordingly, the compliance mechanism in this permit is not dependent on background water quality protection levels. The design of the reservoir re-construction is such that a no discharge structure is anticipated. The detection of reservoir water in the lower leak detection system will trigger corrective action by the permittee.

V. Ground Water Classification

Consistent with no determination of background ground water quality, no ground water quality classification will be made for this permit.

VI. Best Available Technology

KUC is utilizing best available technology to achieve a no discharge situation. The liner technology to be utilized is described below (top to bottom):

Top
↑
-60 Mil HDPE liner
-six inches of sand with HDPE pipe leak collection and removal layer (Pressure Relief System, PRS)
-12 inch clay liner
-six inches of sand with HDPE pipe leak detection layer
-six inch clay layer
Bottom

VII. Monitoring Procedures for Leak Detection

KUC is to monitor the flows entering the sump system on a daily basis for both the pressure relief system (upper leak collection and removal layer) and the lower leak detection layer. The permit requires that daily flows be reported quarterly along with water quality data. Flow information from the upper leak collection and removal system is informational only. The lower leak detection system will be the compliance mechanism for this permit.

KUC will be required to undertake the steps outlined in the corrective action section of the permit if reservoir water is detected in the lower leak detection layer.

VIII. Ground Water Monitoring

In addition to water quantity flows, quarterly water quality samples from the upper leak collection and removal layer and the reservoir itself are required for the following:

Field Measurements:

pH
Conductivity

Lab Analysis:

Major Ions: (Chloride, Sulfate, Carbonate, Bicarbonate, Sodium,
Potassium, Magnesium, and Calcium)
TDS
Arsenic
Copper
Zinc

The primary rationale for water quality monitoring of the PRS is to determine the source of liquids found in this layer. Given the distinctive water quality signature of the reservoir water, it should be relatively easy to determine if another source of water is entering the PRS (e.g rain water etc.). This could aid KUC in defining what steps of action to take to locate and repair any leaks.

IX. Corrective Action Plan

If seepage of reservoir water is detected in the lower leak detection layer pursuant to the procedure in section F Part one of this permit, the permittee shall submit a plan and time schedule for complete assessment of the source and extent of contaminant release, and the measures that will be undertaken to protect existing ground water quality beneath and adjacent to the Small Bingham Reservoir. The plan will be submitted within 30 days of the date reservoir seepage is confirmed in the lower leak detection layer and implemented upon approval by the Executive Secretary.

JW:kc Q:KENNSBR.SOB

DRAFT
Revised 8-7-90

Permit No.: UT

**STATE OF UTAH
BUREAU OF WATER POLLUTION CONTROL
UTAH WATER POLLUTION CONTROL COMMITTEE
P.O. BOX 16690
SALT LAKE CITY, UTAH 84116-0690**

GROUND WATER DISCHARGE PERMIT

In compliance with the provisions of the Utah Water Pollution Control Act, Title 26, Chapter 11, Utah Code Annotated 1953, as amended, the Act,

**KENNECOTT UTAH COPPER
8362 WEST 10200 SOUTH
BINGHAM CANYON, UTAH 84006**

is granted a ground water discharge permit for the operation of the Small Bingham Reservoir located 18 miles southwest of Salt Lake City in Salt Lake County, Utah.

The Small Bingham Reservoir (SBR) is located on a tract of land within the Northeast quarter of Section 17, Township 3 South, Range 2 West, Salt Lake Base and Meridian. (112° 5' 00" W. Long. and 40° 33' 52" N. Lat.)

The permit is based on representations made by the permittee and other information contained in the administrative record. It is the responsibility of the permittee to read and understand all provisions of this permit.

The facility shall be constructed and operated in accordance with conditions set forth in the permit and the Utah Ground Water Quality Protection Regulations.

This permit shall become effective _____.

This permit shall expire _____.

Executive Secretary
Water Pollution Control Committee

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I. SPECIFIC PERMIT CONDITIONS

A. Ground Water Classification

No classification of ground water will be made for this permit.

B. Background Water Quality

Given prior contamination of the groundwater in the vicinity of the Small Bingham Reservoir, a background water quality determination, as defined in UAC R448-6-1.2, will be deferred for this permit until the ability to determine technically and legally defensible background values occurs. Accordingly, best available treatment technology (BAT) will be utilized.

C. Groundwater Protection Levels

Ground water protection levels are not applicable for this permit given the compliance mechanism utilized. Ground water protection will be achieved with the BAT technology proposed.

The compliance mechanism for this permit is the detection of reservoir water in the lower leak detection system and thus is not dependent on background ground water quality or ground water protection levels. Adequate mechanisms for compliance with the liner technology proposed are contained in the corrective action measures associated with the leak detection system.

D. Best Available Treatment Standard

The Small Bingham Reservoir will be operated as a no discharge facility. The upper leak collection and removal system will be operated to relieve pressure beneath the HDPE liner. Any leakage through the one foot clay liner will be detected in the lower leak detection system. A second six inch clay layer underlies the leak detection layer.

1. Authorized Construction

This permit is limited to the Small Bingham Reservoir which is to be re-constructed as shown on plans on file with the Bureau of Water Pollution Control dated 1990.

2. Design and Construction

- a) The Small Bingham Reservoir will be re-constructed as a no discharge facility. The uppermost liner will consist of 60 mil HDPE liner underlain by a six inch thick leak collection and removal system that will be referred to as the Pressure Relief System (PRS). The secondary liner will consist of a one foot clay liner underlain by a six inch thick leak detection system. A clay layer six inches thick will be installed under the leak detection system.

The PRS and the lower leak detection layer will be comprised of six inches of well graded sand.

- b) The permittee shall utilize due care and appropriate quality control measures to insure structural and hydraulic integrity of the 60 mil HDPE liner, clay liner and leak collection/detection systems that are to be installed. The construction quality assurance plan approved by the Executive Secretary for this facility shall be complied with to achieve best available technology.
- c) Upon completion of the useful life of the reservoir, the permittee will comply with laws and regulations in effect at that time for closure.

3. Points of Compliance

- a) A point of compliance demonstrating the permittee is achieving the use of best available treatment technology and that applicable water quality standards are met will be at the lower leak detection system.
- b) Non-compliance shall be established by the detection of fluids from the Small Bingham Reservoir at the point of compliance as determined from monitoring procedures set forth in the following paragraph I.f.

F. Monitoring Procedures for Leak Detection**1. Flow Quantity**

The PRS sump and the lower leak detection sump will be equipped with continuous recording mechanisms to record all flows from the PRS and lower leak detection layers. Liquids removed will be recycled back into the Small Bingham Reservoir. Daily flow quantities for each separate leak collection/detection layer will be recorded and reported along with water quality sampling results.

2. Water Quality Sampling

At any time if liquid is detected in the lower leak detection layer, the permittee will immediately obtain a sample of the liquid and perform analysis for the constituents noted below. The permittee shall notify the Executive Secretary within 72 hours of discovery that liquid has been found in the lower leak detection layer. Results of water quality analysis of the liquid from the lower leak detection layer will be provided to the Executive Secretary within 21 calendar days from the date of sampling. Should analysis of the lower leak detection layer liquids indicate that reservoir waters are present in the leak detection layer the permittee shall immediately undertake the action steps for corrective action (Section I Part One of this permit).

The permittee shall collect separate quarterly water quality samples from the PRS layer and a sample of the Small Bingham Reservoir at a depth one foot from the bottom off the pump access platform.

Water quality samples will be analyzed for the following:

Field Measurements:

pH
Conductivity

Lab Analysis:

Major Ions: (Chloride, Sulfate, Carbonate, Bicarbonate, Sodium,
Potassium, Magnesium, and Calcium)

TDS
Arsenic
Copper
Zinc

Water Quality sampling will follow the methods and procedures outlined in the water quality sampling plan required in Section H of Part One of this permit.

G. Reporting Requirements**1. Compliance Schedules**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 30 days following each schedule date.

2. Reporting

- a) The permittee shall report to the Executive Secretary any probable out-of-compliance status within 30 days after detection of that status.
- b) The permittee shall report to the Executive Secretary any out-of-compliance status within 24 hours of detection of that status followed by a written notice within five (5) days of detection. The written submission to be provided within 5 days shall include a description of the noncompliance and its cause, the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or plans to reduce, eliminate, and prevent recurrence of the noncompliance.

3. Monitoring Reports

Water quality sampling results and daily flow data from each leak collection/detection layer shall be submitted quarterly to the Executive Secretary as follows:

<u>Quarter</u>		<u>Report Due On</u>
1st	(Jan., Feb., March)	April 15
2nd	(April, May, June)	July 15
3rd	(July, Aug., Sept.)	October 15
4th	(Oct., Nov., Dec.)	January 15

Failure to submit reports within the timeframe due shall be deemed as noncompliance and may result in enforcement action.

4. Report on Permit Review

Within 30 days of receipt of this permit, the permittee shall report in writing to the Executive Secretary that he has read and is familiar with all terms and conditions of this permit.

H. Compliance Schedule

1. Notice of Final Construction and "As Built" Report

Within 30 days of the final completion of reservoir re-construction, the permittee will notify the Executive Secretary in writing and submit an "As Built" Report documenting that the construction conformed to the approved design.

2. Water Quality Sampling Plan

Within 60 days of issuance of this permit the permittee shall submit for Executive Secretary approval, a water quality sampling plan describing the sampling methods, handling, analysis, and quality control and assurance for the water quality sampling program for the PRS, lower leak detection layer and the reservoir. The methods for analysis of water samples will be in accordance with R448-6-6.3 (A 13). After approval by the Executive Secretary, the Plan shall become an enforceable appendix to this permit.

I. Corrective Action

If seepage of reservoir water is detected in the lower leak detection layer pursuant to the procedure in section F Part one of this permit, the permittee shall submit a plan and time schedule for complete assessment of the source and extent of contaminant release, and the measures that will be undertaken to protect existing ground water quality beneath and adjacent to the Small Bingham Reservoir. The plan will be submitted within 30 days of the date reservoir seepage is confirmed in the lower leak detection layer and implemented upon approval by the Executive Secretary.

II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

- A. Representative Sampling. Samples taken in compliance with the monitoring requirements established under Part I shall be representative of the monitored activity.
- B. Analytical Procedures. Water sample analysis must be conducted according to test procedures specified under UAC R448-6.3.A.13, unless other test procedures have been specified in this permit.
- C. Penalties for Tampering. The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.
- D. Reporting of Monitoring Results. Monitoring results obtained during each reporting period specified in the permit, shall be submitted to the Executive Secretary, Utah Bureau of Water Pollution Control at the following address no later than the 15th day of the month following the completed reporting period:
- Utah Department of Health
Bureau of Water Pollution Control
P.O. Box 16690
Salt Lake City, Utah 84116-0690
Attention: Compliance and Monitoring Program
- E. Compliance Schedules. Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any Compliance Schedule of this permit shall be submitted no later than 14 days following each schedule date.
- F. Additional Monitoring by the Permittee. If the permittee monitors any pollutant more frequently than required by this permit, using approved test procedures as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted. Such increased frequency shall also be indicated.
- G. Records Contents. Records of monitoring information shall include:
1. The date, exact place, and time of sampling or measurements;
 2. The individual(s) who performed the sampling or measurements;
 3. The date(s) and time(s) analyses were performed;
 4. The individual(s) who performed the analyses;
 5. The analytical techniques or methods used; and,
 6. The results of such analyses.

- H. Retention of Records. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Executive Secretary at any time.
- I. Twenty-four Hour Notice of Noncompliance Reporting.
1. The permittee shall verbally report any noncompliance which may endanger public health or the environment as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of the circumstances. The report shall be made to the Utah Division of Environmental Health 24 hour number, (801) 538-6333, or to the Bureau of Water Pollution Control, Ground Water Protection Section at (801) 538-6146, during normal business hours (8:00 am - 5:00 pm Mountain Time).
 2. A written submission shall also be provided to the Executive Secretary within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. The estimated time noncompliance is expected to continue if it has not been corrected; and,
 - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
 3. Reports shall be submitted to the addresses in Part II D, Reporting of Monitoring Results.
- J. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours, shall be reported at the time that monitoring reports for Part II D are submitted.
- K. Inspection and Entry. The permittee shall allow the Executive Secretary, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;

Part II
Permit No. _____

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

III. COMPLIANCE RESPONSIBILITIES

- A. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Executive Secretary of the Water Pollution Control Committee of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- B. Penalties for Violations of Permit Conditions. The Act provides that any person who violates a permit condition implementing provisions of the Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions is subject to a fine not exceeding \$25,000 per day of violation. Any person convicted under Section 26-11-16(2) of the Act a second time shall be punished by a fine not exceeding \$50,000 per day. Nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.
- C. Need to Halt or Reduce Activity not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- E. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

IV. GENERAL REQUIREMENTS

- A. Planned Changes. The permittee shall give notice to the Executive Secretary as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required when the alteration or addition could significantly change the nature of the facility or increase the quantity of pollutants discharged.
- B. Anticipated Noncompliance. The permittee shall give advance notice of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- C. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- D. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a permit renewal or extension. The application should be submitted at least 180 days before the expiration date of this permit.
- E. Duty to Provide Information. The permittee shall furnish to the Executive Secretary, within a reasonable time, any information which the Executive Secretary may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Executive Secretary, upon request, copies of records required to be kept by this permit.
- F. Other Information. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Executive Secretary, it shall promptly submit such facts or information.
- G. Signatory Requirements. All applications, reports or information submitted to the Executive Secretary shall be signed and certified.
 - 1. All permit applications shall be signed as follows:
 - a. For a corporation: by a responsible corporate officer;
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
 - c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.

2. All reports required by the permit and other information requested by the Executive Secretary shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to the Executive Secretary, and,
 - b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
3. Changes to Authorization. If an authorization under Part IV G 2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part IV G 2. must be submitted to the Executive Secretary prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- H. Penalties for Falsification of Reports. The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.

- I. Availability of Reports. Except for data determined to be confidential by the permittee, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Executive Secretary. As required by the Act, permit applications, permits, effluent data, and ground water quality data shall not be considered confidential.
- J. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.
- K. Severability. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- L. Transfers. This permit may be automatically transferred to a new permittee if:
1. The current permittee notifies the Executive Secretary at least 30 days in advance of the proposed transfer date;
 2. The notice includes a written agreement between the existing and new permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,
 3. The Executive Secretary does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.
- M. State Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, penalties established pursuant to any applicable state law or regulation under authority preserved by Section 26-11-19 of the Act.
- N. Reopener Provision. This permit may be reopened and modified (following proper administrative procedures) to include the appropriate limitations and compliance schedule, if necessary, if one or more of the following events occurs:
1. If new ground water standards are adopted by the Committee, the permit may be reopened and modified to extend the terms of the permit or to include pollutants covered by new standards. The permittee may apply for a variance under the conditions outlined in R448-6.4(D)

Part IV
Permit No. _____

2. If alternative compliance mechanisms are required and technically defensible background ground water quality values can be determined.

Q:KENNSBR.PER